

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:12-CV-00967-WO-JEP**

RF MICRO DEVICES, INC.,)	
)	
Plaintiff,)	
)	Plaintiff's Motion
v.)	For Hearing
)	
JIMMY S. XIANG, XIAOHANG DU,)	
FENG WANG and VANCHIP)	
TECHNOLOGIES LTD.)	
)	
Defendants.)	
)	

Through counsel, Plaintiff RF Micro Devices, Inc. (“RFMD”) respectfully requests that the Court set a hearing for Defendants’ pending Motion to Dismiss or Stay, or for a More Definite Statement (Dkt. 34). While RFMD recognizes that Local Rule 7.3(c)(1) directs parties to identify special considerations warranting a hearing or oral argument in the motion or response, RFMD was not aware of any such special considerations until it received Defendants’ reply brief on the motion. Defendants’ reply brief takes positions and raises questions regarding the China litigation that RFMD believes warrant further discussion to ensure that the Court is fully informed of the procedural posture of the China action and when it is likely to conclude, the China court’s ability to rule on the claims that have been asserted in this litigation, and the scope of discovery mechanisms that are truly available to the parties in China. RFMD believes that those issues could be more efficiently addressed through a hearing, as opposed to lengthy briefing on a motion to file a sur-reply.

Additionally, the Court will recall that at the conclusion of the hearing on RFMD’s attachment motion (Dkt. 5), the Court indicated that it would further consider the parties’

submissions on the motion to dismiss as they pertained to the attachment motion. A hearing would present an opportunity for the parties to answer any questions the Court may have stemming from the parties' submissions on the motion to dismiss as they relate to the attachment motion.

Finally, the time for issuing a scheduling order is approaching under Federal Rule 16(b)(2). A hearing would also provide an opportunity for the Court and parties to discuss scheduling issues in view of the pending motion to dismiss.

WHEREFORE, RFMD respectfully requests that the Court set a hearing should the Court have any upcoming availability and be amenable to discussing with counsel the matters set forth above.

Dated: November 2, 2012

Respectfully submitted,

/s/ John F. Morrow, Jr.

John F. Morrow, Jr.

North Carolina State Bar No. 23382

Brent Powell

North Carolina State Bar No. 41938

WOMBLE CARLYLE

SANDRIDGE & RICE, LLP

One West Fourth Street

Winston-Salem, NC 27101

Tel: (336) 721-3584

Fax: (336) 733-8429

jmorrow@wCSR.com

brpowell@wCSR.com

Paul B. Keller

Laura R. Hall

Michael Westfal

ALLEN & OVERY LLP

1221 Avenue of the Americas

New York, NY 10020

(212) 610-6300

Benjamin Bai
ALLEN & OVERY LLP
15F, Tower II, Shanghai IFC
8 Century Avenue
Pudong, Shanghai 200120
China
+86 21 2036 7000

Allen & Overy LLP is appearing
pursuant to Local Rule 83.1(d).
Counsel for Plaintiff
RF Micro Devices Inc.

CERTIFICATE OF SERVICE

I certify that on November 2, 2012, I filed the foregoing document using this court's ECF system, which will serve a copy via email to all counsel of record.

David Sar, Esquire
Joseph A. Ponzi, Esquire
Brooks Pierce McLendon Humphrey & Leonard, LLP
Post Office Box 26000
Greensboro, North Carolina 27420

/s/John F. Morrow, Jr.

John F. Morrow, Jr. (NCSB No. 23382)
WOMBLE CARLYLE SANDRIDGE &
RICE, LLP
One West Fourth Street
Winston-Salem, NC 27101
Phone: 336-721-3584
Fax: 336-733-8429
E-Mail: jmorrow@wCSR.com